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1/7/03  
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**FILED**  
HARRISBURG, PA

JAN 06 2003

MARY E. D'ANDREA, CLERK  
Per JP  
Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BEVERLY BEAM**

**Plaintiff**

**vs.**

**SCOTT DOWNEY, ROGER  
MORRISON, DAVID GRAYBILL  
AND MICHAEL SWEGER**

**Defendants**

**NO. 1:CV-01-0083**

**(Judge McClure)**

**CIVIL ACTION - LAW**

**DEFENDANTS GRAYBILL AND SWEGER'S MOTION FOR  
ATTORNEYS' FEES AND ASSOCIATED EXPENSES**

AND NOW, come the Defendants, David Graybill and Michael Sweger, by and through their attorneys, STEVEN J. SCHIFFMAN, Esquire and the law firm of SERRATELLI, SCHIFFMAN, BROWN, & CALHOON, P.C., respectfully requests an award of attorneys' fees and costs pursuant to 42 U.S.C. §1988(b). In support thereof, Defendants aver as follows:

1. Plaintiff filed a Complaint on or about January 16, 2001, alleging both federal and state law claims.

2. On or about March 19, 2001, Defendants Graybill and Sweger filed a Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6).

3. By Order dated April 10, 2002, Graybill and Sweger's Motion to Dismiss was granted pursuant to Federal Rule of Civil Procedure 12(b)(6) by the Honorable James F. McClure, Jr.

4. Appellant filed a Notice of Appeal April 16, 2002.

5. On or about August 8, 2002, Appellant filed her Brief in support of her appeal.

6. Appellees Graybill and Sweger filed their Brief in opposition to the appeal on September 6, 2002.

7. By Order dated December 23, 2002, the Order of the District Court entered April 10, 2002 was affirmed.

8. Defendants are the prevailing party in this litigation in that Plaintiff's action was frivolous, unreasonable, or without foundation. See Hughes v. Rowe, 449 U.S. 5, 14, 101 S.Ct. 173, 178 (1980). See also Lato v. Sieverman, 919 F.Supp. 336 (C.D. Cal. 1996) (prevailing defendant should be awarded attorneys' fees where the action is found to be meritless).

9. As the prevailing party, Defendants have incurred attorneys' fees and other costs.

10. Attached to this Motion as Exhibit 1 is an itemization of time and services provided by Defendants' counsel on this case, and costs incurred and advanced. The itemization represents reasonable time spent on the items so indicated. All of these times and services were reasonable, proper and necessary to Defendants' prevailing in this case. Verification of these time records is attached hereto as Exhibit 2, collectively.

11. In this case Steven J. Schiffman, Esquire, charges an hourly rate of \$175.00 per hour.

12. In this case Melanie L. Erb, Esquire, charges an hourly rate of \$125.00 per hour.

13. Based on counsels' experience, litigation careers, and knowledge of civil rights law and litigation, base hourly rates of \$175.00 per hour and \$125.00 per hour, respectively, are reasonable.

14. In support thereof, Defendants will submit affidavits of attorneys in the greater Harrisburg with knowledge and proficiency in the fields of civil litigation and civil rights litigation, and with knowledge of the abilities of Defendants' counsel.

15. Defendants expect to incur additional expenses and counsel fees in the litigation of this Motion and in the collection of the costs and fees awarded. Defendants expressly reserve the right to supplement the within petition at a later date in order to accommodate any such additional expenses, costs and fees.

WHEREFORE, Defendants respectfully request an award of attorneys' fees and costs against Plaintiff.

Respectfully submitted,

**SERRATELLI, SCHIFFMAN, BROWN  
& CALHOON, PC**

By: 

Steven J. Schiffman, Esquire

I.D. No.: 25488

Melanie L. Erb, Esquire

I.D. No.: 84445

Suite 201, 2080 Linglestown Road

Harrisburg, PA 17101

(717) 540-9170

Attorneys for Defendants David Graybill

And Michael Sweger

Dated: 1/6/03

Jan 2/2003

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## Client Ledger

ALL DATES

Date	Received From/Paid To	Che#	General	Bld	Trust	
Entry#	Explanation	Rcpt#	Disbs	Inv#	Acc	Balance
5809	GRAYBILL, DAVID D., SR.					
01-027	BEAM V. DOWNEY, ET AL					
Jan 26/2001	SWEGERS BUS LINES, INC.			44922	1	2500.00
176606	SWEGER					2500.00
Jan 26/2001	DAVID GRAYBILL			44922	1	2500.00
176608	RETAINER					5000.00
Jan 29/2001	Lawyer: 2 0.30 Hrs X 175.00			52.50	41427	
74472	PREPARE NOTICE OF APPEARANCE AND ACCEPTANCE OF SERVICE					
Jan 29/2001	Lawyer: 2 1.00 Hrs X 175.00			175.00	41427	
74473	REVIEW COMPLAINT					
Jan 29/2001	Lawyer: 30 1.00 Hrs X 125.00			125.00	41878	
74474	RESEARCH					
Jan 29/2001	Lawyer: 30 0.50 Hrs X 125.00			62.50	41878	
74475	DRAFT MOTION TO DISMISS					
Jan 30/2001	Lawyer: 30 2.00 Hrs X 125.00			250.00	41878	
74476	DRAFT MOTION; RESEARCH					
Feb 1/2001	Lawyer: 30 0.50 Hrs X 125.00			62.50	41878	
74477	RESEARCH					
Feb 5/2001	Lawyer: 2 0.30 Hrs X 175.00			52.50	41878	
74478	TELEPHONE CALL TO/FROMDAN ALTLAND					
Feb 5/2001	Lawyer: 2 0.40 Hrs X 175.00			70.00	41878	
74479	TELEPHONE CALL TO/FROMDAN ALTLAND					
Feb 6/2001	Billing on Invoice 41427		0.00		41427	
41095	FEES 227.50					
Feb 6/2001	SERRATELLI, SCHIFFMAN, BROWN & CALHOON 14084			44922	1	227.50
176796	PAYMENT FROM TRUST					4772.50
Feb 7/2001	TRUST		227.50			
245782	PMT - Client Paying BillGRAYBILL/SWEGER					
Feb 8/2001	Lawyer: 30 0.70 Hrs X 125.00			87.50	41878	
74480	RESEARCH FOR PREPARATION OF BRIEF IN SUPPORT OF MOTION TO DISMISS					
Feb 12/2001	Lawyer: 2 0.20 Hrs X 175.00			35.00	41878	
74481	TELEPHONE CALL TO/FROMDAN ALTLAND					
Feb 12/2001	Lawyer: 2 0.00 Hrs X 175.00			0.00	41878	
74482	TELEPHONE CALL TO/FROM					
Feb 14/2001	Lawyer: 2 1.00 Hrs X 175.00			175.00	41878	
74483	REVIEWBOYANOWSKI CASE FROM THE THIRD CIRCUIT					
Feb 26/2001	Lawyer: 2 1.60 Hrs X 175.00			280.00	41878	
74484	CONFERENCE WITHDAN ALTLAND					
Mar 3/2001	Lawyer: 30 2.50 Hrs X 125.00			312.50	42354	
74485	RESEARCH					
Mar 4/2001	Lawyer: 30 2.00 Hrs X 0.00			0.00	42354	
74486	RESEARCH AND DRAFT OUTLINE					
Mar 5/2001	Lawyer: 30 3.50 Hrs X 0.00			0.00	42354	
74487	DRAFT OUTLINE OF BRIEF					
Mar 12/2001	Billing on Invoice 41878		0.00		41878	
41545	FEES 1200.00					
Mar 12/2001	Lawyer: 30 0.40 Hrs X 125.00			50.00	42354	
74488	REVIEW DEFENDANT'S ANSWER AND MOTION					
Mar 12/2001	SERRATELLI, SCHIFFMAN, BROWN & CALHOON 14209			44922	1	1200.00
177174	PAYMENT FROM TRUST/MARCH					3572.50
Mar 12/2001	TRUST		1200.00			
245785	PMT - Client Paying BillGRAYBILL					
Mar 14/2001	Lawyer: 2 1.00 Hrs X 175.00			175.00	42354	
74489	REVIEWAND REVISE MOTION TO DISMISS					
Mar 14/2001	Lawyer: 30 0.30 Hrs X 125.00			37.50	42354	
74490	DRAFT PROCEDURAL BACKGROUND					
Mar 16/2001	Lawyer: 30 0.70 Hrs X 0.00			0.00	42354	
74491	RESEARCH					
Mar 19/2001	Lawyer: 30 2.50 Hrs X 125.00			312.50	42354	
74492	DRAFT BRIEF					
Mar 20/2001	Lawyer: 30 2.50 Hrs X 125.00			312.50	42354	
74493	DRAFT AND EDIT BRIEF					
Mar 22/2001	Lawyer: 2 1.00 Hrs X 175.00			175.00	42354	
74494	REVIEW AND REVISE BRIEF					
Mar 22/2001	Lawyer: 30 3.00 Hrs X 0.00			0.00	42354	
74495	EDIT AND REVISE BRIEF					
Mar 23/2001	Lawyer: 30 1.00 Hrs X 125.00			125.00	42354	
74496	REVISE STATEMENT OF FACTS					

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Date	Received From/Paid To	Che#	General	Bld	Trust	
Entry#	Explanation	Rcpt#	Disbs	Inv#	Acc	Balance
Mar 26/2001	Lawyer: 30 0.50 Hrs X 125.00			62.50	42354	
74497	EDIT BRIEF					
Mar 29/2001	UNITED PARCEL SERVICE	28405	10.25	42354		
187725	INV# 0000F138V1121/ UNITED PARCEL SERVICE					
Apr 3/2001	Lawyer: 30 0.30 Hrs X 125.00			37.50	42756	
74498	TELEPHONE CALL TO/FROM ATTY ALTLAND					
Apr 4/2001	Lawyer: 30 0.30 Hrs X 125.00			37.50	42756	
74499	TELEPHONE CALL TO/FROM ATTY KAUFFMAN					
Apr 4/2001	Lawyer: 30 0.30 Hrs X 125.00			37.50	42756	
74500	TELEPHONE CALL TO/FROM ATTY ALTLAND					
Apr 5/2001	Lawyer: 2 0.20 Hrs X 175.00			35.00	42756	
74501	TELEPHONE CALL TO/FROMCHRIS AT BAILY OFFICE RE: JT MANAGMENT AGREEMENT					
Apr 9/2001	Lawyer: 30 0.50 Hrs X 125.00			62.50	42756	
74502	DRAFT CASE MANAGEMENT PLAN					
Apr 11/2001	Billing on Invoice 42354		0.00	42354		
42021	FEES 1562.50 DISBS 10.25					
Apr 11/2001	SERRATELLI, SCHIFFMAN, BROWN & CALHOON	14291		44922	1	1572.75
177484	PAYMENT FROM TRUST/MARCH CHARGES					1999.75
Apr 12/2001	UNITED PARCEL SERVICE	28498	10.25	42756		
187726	INV# 0000F138V1131/ UNITED PARCEL SERVICE					
Apr 12/2001	TRUST		1572.75			
245788	PMT - Client Paying BillGRAYBILL					
Apr 18/2001	Lawyer: 30 0.30 Hrs X 125.00			37.50	42756	
74503	TELEPHONE CALL TO/FROM ATTY ALTLAND					
Apr 18/2001	Lawyer: 30 0.30 Hrs X 125.00			37.50	42756	
74504	REVIEW FAX FROM ATTY ALTLAND					
Apr 23/2001	Lawyer: 2 0.50 Hrs X 175.00			87.50	42756	
74505	REVIEWBRIEF					
Apr 23/2001	Lawyer: 30 0.40 Hrs X 125.00			50.00	42756	
74506	REVIEW PLAINTIFF'S REPLY BRIEF					
Apr 23/2001	Lawyer: 30 0.70 Hrs X 125.00			87.50	42756	
74507	OUTLINE REPLY BRIEF					
Apr 24/2001	Lawyer: 2 0.50 Hrs X 175.00			87.50	42756	
74508	PREPARATION OF NOTICE OF DEPOSITION					
Apr 24/2001	Lawyer: 2 0.20 Hrs X 175.00			35.00	42756	
74509	CORRESPONDENCE TO DON BAILEY					
Apr 25/2001	Lawyer: 2 0.50 Hrs X 175.00			87.50	42756	
74510	REVIEWJOINT CASE MANAGEMENT					
Apr 25/2001	Lawyer: 2 0.50 Hrs X 175.00			87.50	42756	
74511	REVIEWBRIEF OF DOWNY					
Apr 26/2001	Lawyer: 30 0.30 Hrs X 125.00			37.50	42756	
74512	LETTER TO ATTY BAILEY					
Apr 27/2001	Lawyer: 30 1.50 Hrs X 125.00			187.50	42756	
74513	DRAFT REPLY BRIEF					
Apr 30/2001	Lawyer: 2 0.80 Hrs X 175.00			140.00	42756	
74514	CONFERENCE WITHJUDGE RE: SCHEDULING					
Apr 30/2001	Lawyer: 30 1.00 Hrs X 125.00			125.00	43088	
74515	REVISE REPLY BRIEF					
Apr 30/2001	Lawyer: 30 0.30 Hrs X 125.00			37.50	43088	
74516	CONFERENCE CALL (CASE MANAGEMENT)					
May 4/2001	Billing on Invoice 42756		0.00	42756		
42423	FEES 1172.50 DISBS 10.25					
May 4/2001	SERRATELLI, SCHIFFMAN, BROWN & CALHOON	14377		44922	1	1182.75
177756	PAYMENT FROM TRUST/APRIL CHARGES					817.00
May 7/2001	TRUST		1182.75			
245791	PMT - Client Paying BillGRAYBILL					
May 10/2001	UNITED PARCEL SERVICE	28689	10.38	43088		
187727	INV# 0000F138V1181 / UPS CHARGES					
Jun 4/2001	Billing on Invoice 43088		0.00	43088		
42755	FEES 162.50 DISBS 10.38					
Jun 5/2001	SERRATELLI, SCHIFFMAN, BROWN & CALHOON	14464		44922	1	172.88
178038	PAYMENT FROM TRUST/MAY CHARGES/43088					644.12
Jun 6/2001	TRUST/GRAYBILL		172.88			
245794	PMT - Client Paying BillGRAYBILL					
Jun 25/2001	Lawyer: 30 0.50 Hrs X 125.00			62.50	43593	
74517	DRAFT DISCOVERY REQUESTS					
Jun 26/2001	Lawyer: 30 0.30 Hrs X 125.00			37.50	43954	
74518	REVISE DISCOVERY REQUESTS					
Jun 29/2001	Lawyer: 30 0.10 Hrs X 125.00			12.50	43954	
74519	TELEPHONE CALL TO/FROM CLIENTS					

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Date	Received From/Paid To	Che#	General	Bld	Trust	Balance
Entry#	Explanation	Rcpt#	Disbs	Inv#	Disbs	
Jul 2/2001	Billing on Invoice 43593		0.00	43593		
	43260 FEES 62.50					
Jul 2/2001	SERRATELLI, SCHIFFMAN, BROWN & CALHOON	14546		44922	1	581.62
	178322 PAYMENT FROM TRUST/JUNE CHARGES/43593					
Jul 3/2001	TRUST/GRAYBILL		62.50			
	245797 PMT - Client Paying BillGRAYBILL/INV 43593					
Jul 5/2001	Lawyer: 2 0.60 Hrs X 175.00			43954		
	74520 meeting with clients prep for dep					
Jul 8/2001	Lawyer: 2 2.00 Hrs X 175.00			43954		
	74521 PREPARE FOR DEPOSITION					
Jul 9/2001	Lawyer: 2 6.00 Hrs X 175.00			43954		
	74522 ATTEND DEPOSITION OF BEAM					
Jul 11/2001	Lawyer: 2 6.00 Hrs X 175.00			43954		
	74523 attend dep of clients					
Jul 19/2001	Lawyer: 2 0.30 Hrs X 175.00			43954		
	74524 DRAFT LETTERBAILEY RE: DEPOSITIONS					
Jul 20/2001	Lawyer: 2 0.50 Hrs X 125.00			43954		
	74525 REVIEW DEPOSITION TRANSCRIPTS					
Jul 26/2001	Lawyer: 2 0.30 Hrs X 175.00			43954		
	74526 DRAFT LETTERDON BAILEY RE: DEPS SCHEDULE					
Jul 26/2001	HUGHES, ALBRIGHT, FOLTZ & NATALE	29141	297.20	43954		
	187728 INV# 15251/FEE FOR DEPOSITION					
	TRANSCRIPT/BEVERLY BEAM ON 7/9/01					
Aug 2/2001	HUGHES, ALBRIGHT, FOLTZ & NATALE	29197	635.55	44453		
	187729 INV# 15325/FEE FOR DEPO					
	TRANSCRIPTS/SWEGGER & GRAYBILL ON 7/11/01					
Aug 3/2001	Billing on Invoice 43954		0.00	43954		
	43621 FEES 2772.50 DISBS 297.20					
Aug 3/2001	SERRATELLI, SCHIFFMAN, BROWN & CALHOON	14626		44922	1	0.00
	178638 PAYMENT FROM TRUST/JULY CHARGES/INV 43954					
Aug 3/2001	TRUST/GRAYBILL		581.62			
	245800 PMT - Client Paying BillGRAYBILL					
Aug 14/2001	DAVID GRAYBILL			44922	1	2000.00
	178782 ON ACCOUNT					
Aug 20/2001	Lawyer: 30 0.40 Hrs X 125.00			44453		
	74527 REVIEW RESPONSES TO INTERROGATORIES					
Aug 20/2001	SWEGERS BUS LINES			44922	1	4000.00
	178834 ON ACCOUNT					
Aug 24/2001	Lawyer: 2 0.20 Hrs X 175.00			44453		
	74528 TELEPHONE CALL TO/FROMDAN ALTLAND					
Aug 24/2001	Lawyer: 2 0.20 Hrs X 175.00			44453		
	74529 DRAFT LETTERDON BAILY					
Sep 5/2001	Billing on Invoice 44453		0.00	44453		
	44120 FEES 120.00 DISBS 635.55					
Sep 5/2001	Lawyer: 2 0.20 Hrs X 175.00			44922		
	74530 REVIEWMOTION FOR EXTENSION OF TIME					
Sep 5/2001	Lawyer: 2 0.10 Hrs X 175.00			44922		
	74531 DRAFT LETTERCLIENTS RE: EXTENSION OF DISCOVERY					
Sep 5/2001	SERRATELLI, SCHIFFMAN, BROWN & CALHOON	14721		44922	1	756.37
	178936 PAYMENT FROM TRUST/AUG CHARGES/INV 44453					
Sep 5/2001	TRUST/GRAYBILL		3243.63			
	245803 PMT - Client Paying BillGRAYBILL					
Sep 25/2001	Lawyer: 2 1.00 Hrs X 175.00			44922		
	341221 REVIEW document production					
Sep 26/2001	Lawyer: 30 0.40 Hrs X 125.00			44922		
	342030 REVIEW PRODUCTION OF DOCUMENTS BY PLAINTIFF					
Oct 8/2001	Billing on Invoice 44922		0.00	44922		
	342552 FEES 277.50					
Oct 8/2001	SERRATELLI, SCHIFFMAN, BROWN & CALHOON	14839		45370	1	478.87
	342601 PAYMENT FROM TRUST/INV 44922/SEPT CHARGES					
Oct 9/2001	TRUST/GRAYBILL	00410	227.50			
	342763 PMT - PAYMENT FROM TRUST					
Oct 9/2001	TRUST/GRAYBILL	00410	50.00			
	342764 PMT - PAYMENT FROM TRUST					
Oct 15/2001	Lawyer: 2 5.00 Hrs X 175.00			45370		
	343565 ATTEND DEPOSITION OF ROGER MORRISON					
Nov 5/2001	HUGHES, ALBRIGHT, FOLTZ & NATALE	29802	476.00	45894		
	345974 INV 16102/FEE FOR HRG TRANSCRIPTS/ROGER					

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ALL DATES

Date	Received From/Paid To	Che#	General	Bld	Trust	
Entry#	Explanation	Rcpt#	Disbs	Inv#	Acc	Balance
	MORRISON ON 10/15/01					
Nov 6/2001	Billing on Invoice 45370		0.00	45370		
346269	FEES 875.00					
Nov 9/2001	SERRATELLI, SCHIFFMAN, BROWN & CALHOON	14978		45894	1	478.87
346860	PAYMENT FROM TRUST/OCTOBER CHARGES/INV 45370					0.00
Nov 13/2001	TRUST	00896	478.87			
347116	PMT - PAYMENT FROM TRUST/OCTOBER/INV 45370					
Nov 16/2001	Lawyer: 2 5.00 Hrs X 175.00			875.00	45894	
347684	Graybill dep -					
Nov 27/2001	DAVID GRAYBILL	00199		45894	1	500.00
348537	CHECK NUMBER 1735 / ON ACCOUNT					500.00
Dec 5/2001	SWEGERS BUS LINES, INC.	00230		46285	1	500.00
349649	CHECK NUMBER 4001 / ON ACCOUNT					1000.00
Dec 5/2001	STOCK & LEADER	00237		46285	1	370.52
349709	1/3 OF DEPOSITION COSTS					1370.52
Dec 10/2001	Billing on Invoice 45894		0.00	45894		
350135	FEES 875.00 DISBS 476.00					
Dec 19/2001	Lawyer: 30 7.00 Hrs X 125.00			875.00	46285	
352316	ATTENDANCE AT DEPOSITIONS OF MARC BAUER, DR. GLENN ZEHNER AND MICHAEL MAUSNER					
Dec 20/2001	HUGHES, ALBRIGHT, FOLTZ & NATALE	30139	533.95	46285		
351567	INV 16510/FEE FOR DEP TRANSCRIPT/SCOTT DOWNEY ON 11/16/01					
Dec 29/2001	Lawyer: 30 0.30 Hrs X 125.00			37.50	46285	
352345	DRAFT MOTION TO STAY PROCEEDINGS					
Jan 3/2002	Billing on Invoice 46285		0.00	46285		
352908	FEES 912.50 DISBS 533.95					
Jan 3/2002	Lawyer: 30 0.30 Hrs X 125.00			37.50	46829	
354014	TELEPHONE CALL FROM DAN ALTLAND, ESQ.					
Jan 3/2002	Lawyer: 30 0.30 Hrs X 125.00			37.50	46829	
354015	TELEPHONE CALL FROM STEVE RUSSELL, ESQ.					
Jan 3/2002	Lawyer: 30 0.50 Hrs X 125.00			62.50	46829	
354016	TELEPHONE CONFERENCE CALL WITH DON BAILEY AND JUDGE MCCLURE'S OFFICE					
Jan 4/2002	SERRATELLI, SCHIFFMAN, BROWN & CALHOON	15181		46829	1	1370.52
353112	DEC CHARGES/INV 46385					0.00
Jan 7/2002	Lawyer: 30 0.30 Hrs X 125.00			37.50	46829	
354440	TELEPHONE CALL FROM MELINDA KAUFMAN, ESQ.					
Jan 8/2002	TRUST	01678	396.13			
353283	PMT - DEC CHARGES/INV 46385					
Jan 8/2002	TRUST	01678	476.00			
353284	PMT - DEC CHARGES/INV 46385					
Jan 8/2002	TRUST	01678	498.39			
353285	PMT - DEC CHARGES/INV 46385					
Jan 14/2002	Lawyer: 30 0.30 Hrs X 125.00			37.50	46829	
354990	TELEPHONE CALL TO MELINDA KAUFFMAN, ESQ.					
Jan 15/2002	DAVID GRAYBILL	01810	376.61			
354200	PMT - CHECK NUMBER 1780					
Jan 15/2002	DAVID GRAYBILL	01810	533.95			
354201	PMT - CHECK NUMBER 1780					
Jan 15/2002	DAVID GRAYBILL	01810	89.44			
354202	PMT - CHECK NUMBER 1780					
Jan 17/2002	HUGHES, ALBRIGHT, FOLTZ & NATALE	30310	640.68	46829		
354646	INV 16692/FEE FOR DEP TRANSCRIPT/BAUER, ZEHNER & MAUSNER ON 12/19/01					
Jan 28/2002	Lawyer: 30 2.00 Hrs X 125.00			250.00	46829	
356188	REVIEW DEPOSITION TRANSCRIPT OF BEV BEAM					
Jan 29/2002	Lawyer: 30 0.30 Hrs X 125.00			37.50	46829	
356199	REVISE MOTION TO STAY PROCEEDINGS					
Jan 30/2002	SWEGERS BUS LINES, INC.	00379		46829	1	1000.00
355886	CHECK NUMBER 4056 / ON ACCOUNT					1000.00
Jan 31/2002	Lawyer: 30 3.00 Hrs X 125.00			375.00	46829	
356204	ATTENDANCE AT DEPOSITIONS OF MR. WAGONHURST AND MR. EBERLY					
Feb 5/2002	Billing on Invoice 46829		0.00	46829		
356622	FEES 875.00 DISBS 640.68					
Feb 5/2002	SERRATELLI, SCHIFFMAN, BROWN & CALHOON	15289		47313	1	1000.00
356841	PAYMENT FROM TRUST/JAN/INV 46829					0.00
Feb 6/2002	TRUST	02189	640.68			



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ALL DATES

Date	Received From/Paid To	Che#	General	Bld	Trust	
Entry#	Explanation	Rcpt#	Disbs	Inv#	Acc	Balance
357028	PMT - JAN CHARGES/INV 46829					
Feb 6/2002	TRUST	02189	359.32			
357029	PMT - JAN CHARGES/INV 46829					
Feb 11/2002	Lawyer: 30 0.30 Hrs X 125.00			37.50	47313	
359291	TELEPHONE CALL TO JUDGE MCCLURE'S CHAMBERS					
Feb 13/2002	Lawyer: 30 0.30 Hrs X 125.00			37.50	47313	
359500	TELEPHONE CALL TO MELINDA KAUFFMAN, ESQ.					
Feb 28/2002	HUGHES, ALBRIGHT, FOLTZ & NATALE	30594	356.95		47313	
359216	INV 17046/FEE FOR DEP TRANSCRIPTS/EBERLY & WAGONHURST ON 1/31/02					
Mar 4/2002	Billing on Invoice 47313		0.00		47313	
359848	FEES 75.00 DISBS 356.95					
Mar 15/2002	DAVID GRAYBILL	02817	823.06			
361303	PMT - CHECK NUMBER 1829					
Mar 15/2002	DAVID GRAYBILL	02817	176.94			
361304	PMT - CHECK NUMBER 1829					
Mar 20/2002	SWEGER BUS LINES	00537		48311	1	1000.00
361841	CHECK NUMBER 5068 / ON ACCOUNT					
Mar 20/2002	SERRATELLI, SCHIFFMAN, BROWN & CALHOON	15474		48311	1	770.69
361845	PAYMENT FROM TRUST					229.31
Mar 20/2002	TRUST	02904	338.74			
361876	PMT - PAYMENT FROM TRUST					
Mar 20/2002	TRUST	02904	356.95			
361877	PMT - PAYMENT FROM TRUST					
Mar 20/2002	TRUST	02904	75.00			
361878	PMT - PAYMENT FROM TRUST					
Apr 19/2002	Lawyer: 30 0.30 Hrs X 125.00			37.50	48311	
366114	TELEPHONE CALL TO DAN ALTLAND, ESQ.					
Apr 24/2002	Lawyer: 30 0.30 Hrs X 125.00			37.50	48311	
366144	TELEPHONE CALL TO MELINDA KAUFFMAN, ESQ.					
Apr 24/2002	Lawyer: 30 0.60 Hrs X 125.00			75.00	48311	
366145	DRAFT & REVISE MOTION TO ENLARGE TIME AND PROPOSED ORDER					
Apr 24/2002	Lawyer: 30 0.30 Hrs X 125.00			37.50	48311	
366150	TELEPHONE CALL FROM JENNIFER YANKANICH, ESQ.					

TOTAL ATTORNEY FEES \$11,357.50

B

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BEVERLY BEAM	:	NO. 1:CV-01-0083
	:	
Plaintiff	:	(Judge McClure)
	:	
vs.	:	
	:	CIVIL ACTION - LAW
SCOTT DOWNEY, ROGER	:	
MORRISON, DAVID GRAYBILL	:	
AND MICHAEL SWEGER	:	
	:	
Defendants	:	

**VERIFICATION OF TIME RECORDS**

Under penalty of perjury and pursuant to 28 U.S.C. §17461, I Steven J. Schiffman, Esquire, swear that the time records attached to this Motion as Exhibit 1 are true and correct and reflect the time that was spent on this matter.

Respectfully submitted,

By:

  
STEVEN J. SCHIFFMAN, Esquire

Dated:

1/6/03

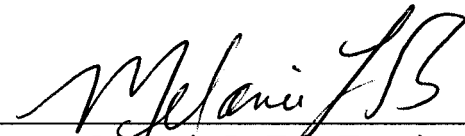
**CERTIFICATE OF SERVICE**

I, Melanie L. Erb, Esquire, hereby certify that I have served a true and correct copy of the foregoing document by depositing such in the regular U.S. Mail, addressed as follows:

Don Bailey, Esquire  
4311 N. Sixth Street  
Harrisburg, PA 17110

P. Daniel Altland, Esquire  
Mette, Evans & Woodside  
3401 N. Front Street  
Harrisburg, PA 17110

Stephen S. Russell, Esquire  
Stock and Leader  
Susquehanna Commerce Center East  
6<sup>th</sup> Floor  
221 W. Philadelphia Street  
York, PA 17404

A handwritten signature in cursive script, appearing to read "Melanie L. Erb", is written over a horizontal line.

Melanie L. Erb, Esquire  
Suite 201, 2080 Linglestown Road  
Harrisburg, PA 17110  
(717) 540-9170

Dated: January 6, 2003